

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
TRUSTEES OF THE NEW YORK CITY :
DISTRICT COUNCIL OF CARPENTERS :
PENSION FUND, WELFARE FUND, :
ANNUITY FUND, and APPRENTICESHIP, : 21-CV-3237 (VSB) (VF)
JOURNEYMAN RETRAINING, :
EDUCATIOONAL AND INDUSTRY FUND, : **ORDER**
TRUSTEES OF THE NEW YORK CITY :
CARPENTERS RELIEF AND CHARITY :
FUND, the CARPENTER CONTRACTOR :
ALLIANCE OF METROPOLITAN NEW :
YORK, and the NEW YORK CITY :
DISTRICT COUNCIL OF CARPENTERS, :
:
Petitioners, :
:
- against - :
:
:
SHELBOURNE CONSTRUCTION CORP., :
:
Respondent. :
:
-----X

Appearances:

Charles R. Virginia
Maura S. Moosnick
Virginia & Ambinder LLP
New York, New York
Counsel for Petitioners

VERNON S. BRODERICK, United States District Judge:

On April 14, 2021, Petitioners¹ filed this action to confirm and enforce a December 9, 2020 arbitration award entered in their favor (the “Award”) against Respondent Shelbourne

¹ Petitioners are: Trustees of the New York City District Council of Carpenters Pension Fund, Welfare Fund, Annuity Fund, and Apprenticeship, Journeyman Retraining, Educational and Industry Fund, Trustees of the New York City Carpenters Relief and Charity Fund, Carpenter Contractor Alliance of Metropolitan New York (the “Funds”), and the New York City District Council of Carpenters (the “Union”) (together with the Funds, the

Construction Corp. (“Respondent”), pursuant to Section 301 of the Labor Management Relations Act of 1947 (“LMRA”), as amended, 29 U.S.C. § 185. (Doc. 1 (the “Petition”).) In addition to seeking confirmation and enforcement of the Award, Petitioners also seek post-judgment interest, attorneys’ fees and costs. (*Id.* ¶ 43.) Respondent has not opposed the Petition nor otherwise appeared in this action. On July 23, 2021, I referred this case to Magistrate Judge Debra C. Freeman for a report and recommendation, (Doc. 8), and on April 30, 2022, the case was re-designated to Magistrate Judge Valerie Figueredo.

On August 30, 2022, Magistrate Judge Figueredo issued a thorough 11-page Report and Recommendation recommending that I “(1) confirm the December 9, 2020 arbitration award requiring Respondent to pay Petitioners \$295,912.36, plus interest from the date of the award through the date of judgment at a rate of 5.25%; (2) grant Petitioners’ application for attorneys’ fees in the amount of \$700.00; (3) grant Petitioners’ application for costs in the amount of \$75.00; and (4) grant Petitioners’ application for post-judgment interest, to accrue in accordance with 28 U.S.C. § 1961.” (Doc. 10 at 10–11.) Neither party filed any objections to the Report and Recommendation or requested additional time to do so.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Although the Report and Recommendation explicitly provided that, “the parties have fourteen days . . . from service of this Report and Recommendation to file objections [pursuant to

“Petitioners”).

28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure]” and “[if] a party fails to file timely objections, that party will not be permitted to raise any objections to this Report and Recommendation on appeal,” (Doc. 10 at 11), neither party filed an objection or requested additional time to do so.

I have reviewed Magistrate Judge Figueredo’s detailed and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

The Clerk’s Office is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: September 13, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, stylized "V" and "n". The last name "Broderick" is written with a large, stylized "B" and "r". The signature is written over a horizontal line.

Vernon S. Broderick
United States District Judge